

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY GEORGE ALLEN, }
 }
 }
Plaintiff, }
 }
vs. }
 }
 }
UNITED STATES OF AMERICA, }
 }
 }
Defendant. }

Civil Action No. 05-31E
Hon. Sean J. McLaughlin
Magistrate Susan Baxter

AFFIDAVIT OF ANTHONY ALLEN

I, Anthony George Allen, swear and depose that:

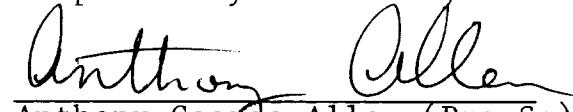
- (1) I am an inmate currently confined at the Federal Correction Institution in McKean, Pennsylvania (FCI McKean).
- (2) I have been confined at FCI McKean from August of 1994 to present.
- (3) From the time I arrived at FCI McKean up until mid-January of 2005, tobacco products were made available to inmates for consumption through the institution's commissary.
- (4) I was constantly exposed to secondhand tobacco smoke as an inmate at FCI McKean due to a lack of restriction imposed on how tobacco products are consumed here. Inmates and staff constantly smoked within the buildings that are accessible to inmates and at the entrance-ways of these buildings, which makes it difficult if not impossible for me and other non-smokers to avoid breathing secondhand tobacco smoke.
- (5) On numerous occasions between the time I arrived at FCI McKean to late 2004, I was forced to share a cell with individuals who would constantly smoke in the cell in my presence, ordinarily during lock-down periods.
- (6) I am now dealing with respiratory problems where I often become short of breath and have been experiencing sporadic chest pains which momentarily comes and go. I recently began experiencing this problem.

1. Lockdown periods are defined as the period designated for the 4 PM count, which generally last for an hour, and the nighttime lockdown period where inmates are secured in their cells until the following day.

THE ABOVE STATEMENTS ARE MADE UNDER THE PENALTY OF PERJURY.

Dated: August 18, 2005

Respectfully submitted,


Anthony George Allen (Pro Se)
Federal Reg.# 40428-053
FCI - McKean
P.O. Box 8000
Bradford, PA 16701